

Remarks:

This amendment and the accompanying Request for Continued Examination are being filed responsive to the July 5, 2005 final Office action that was issued in connection with the above-identified patent application. At the time of the present Office action, claims 1-7, 12, 15-17, 21, 23-27, 30 and 31 remained pending in this application.

In the Office action, the specification was objected to because the claimed limitation "particular print media" has not been described in the specification. Additionally, claims 1, 26-27 and 30 were rejected under 35 U.S.C. § 112, first and second paragraphs. Finally, claims 1-7, 12, 15-17, 21, 23-27, 30 and 31 stand rejected under 35 U.S.C. § 103(a) based on Martin et al. (U.S. Patent No. 6,163,662), either alone or in view of Hammond, III (U.S. Patent No. 4,381,154), Karlsson (U.S. Patent No. 6,034,360), Nakamura (U.S. Patent No. 5,599,104), Weiss (U.S. Patent No. 4,887,229), Pompei (U.S. Patent No. 6,499,877) and/or JP 01242947A.

By this Amendment, claims 1, 12, 23-27 and 30 are amended. No claims are cancelled. None are added. In view of the aforementioned amendments, and the following remarks, applicants request reconsideration of the rejected claims.

Objections to Specification

Applicants have amended claims 1, 26-27 and 30 to delete the limitation "particular print media." Thus, applicants request withdrawal of the objections to the specification.

Rejections under 35 U.S.C. § 112

Claims 1-7, 26-27, 30 and 31 were rejected under 35 U.S.C. § 112, first and/or second paragraphs for failing to comply with the enablement requirement and for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. Specifically, Examiner alleges that the limitation "particular print media" has not been described in the specification. Additionally, the Examiner states that the term "particular" is a relative term, which renders the claims indefinite. Applicants respectfully disagree.

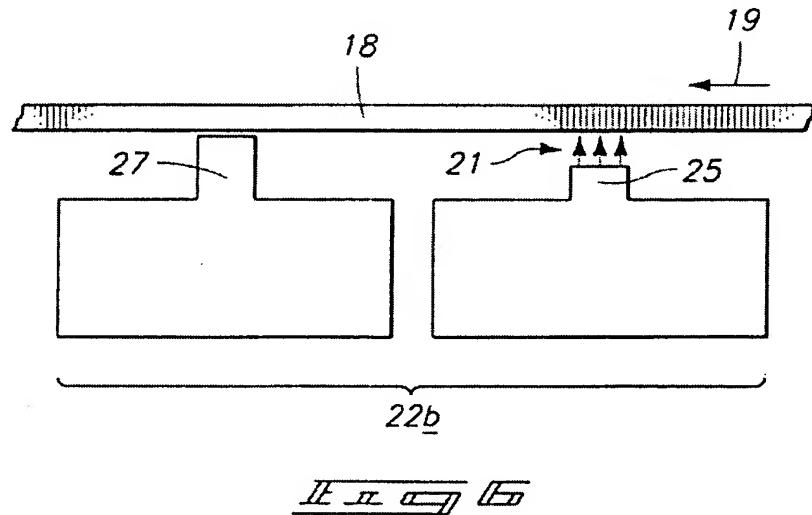
Applicants have nevertheless amended claims 1, 26-27 and 30 to delete the limitation "particular print media." The rejections of claims 1, 26-27 and 30 under 35 U.S.C. § 112 thus should be withdrawn. Claims 2-7 and 31 depend from claims 1 or 30, and the rejection of such claims under 35 U.S.C. § 112 also should be withdrawn.

Rejections under 35 U.S.C. § 103(a)

As noted, claims 1-7, 12, 15-17, 21, 23-27, 30 and 31 are rejected under 35 U.S.C. § 103(a) as being obvious over Martin et al., either alone or in view of Hammond, III, Karlsson, Nakamura, Weiss, Pompei and/or JP 01242947A. Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a).

Martin et al. discloses an image forming device that employs fusing assemblies to form an image on a media sheet. In the relevant embodiment (reproduced below), the device includes a sensor 22b having a heat source 25 and a temperature sensing device 27. The heat source and temperature sensing device are placed along a media path traveled by a media sheet 18. Heat source 25 imparts a heat flux 21 and temperature sensing device 27 (which is located downstream of heat source 25) monitors the temperature of media sheet 18. Based

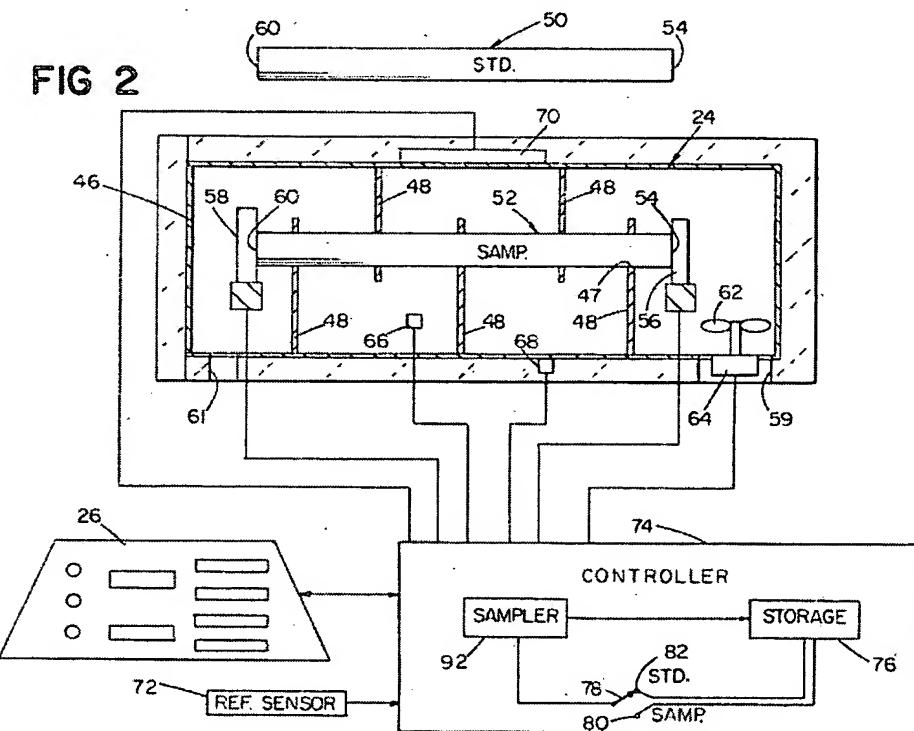
on that monitoring, sensor 22b can determine a qualitative characteristic of the media sheet, such as heat capacity, thermal conductivity, and surface roughness or finish of the media sheet (col. 3, Ins. 54-63).



Martin et al. does not disclose or suggest identification of "a media weight of the print media based on the heat capacity of the print media" (emphasis added) as recited in amended claims 1, 26, 27 and 30. Similarly, Martin et al. does not disclose or suggest "a processor coupled with the temperature sensor to selectively identify media weight based on sensed temperature of the print media" (emphasis added), as recited in amended claims 12 and 23. In fact, Martin et al. discloses nothing more than determining identification of media weight. Martin et al. discloses nothing more than determining thermal characteristics of media within an image forming device.

The Examiner asserts that "by knowing a heat capacity of the printing media, the weight and water content of the media could be found (see, paragraph 7 of the present Office action). The Examiner fails to recognize, however, that it does not necessarily follow that it is possible to identify a media weight based on a determined heat capacity of the print media. Martin et al. similarly fails to disclose or suggest identification of media weight based on sensed temperature.

Hammond, III discloses a method and apparatus for determining purity of a sample bar of precious metal "by testing the sample only when the temperature has reached an equilibrium, and by compensating for differences in environment and starting temperature." See, Abstract. According to Hammond, III, "a dynamic insulation system prevents heat loss from a system under test." See, Abstract. The Hammond III apparatus is reproduced below.



As indicated, the device includes a bar heater 56 that applies heat to a bar of precious metal 52, and a bar temperature sensor 58 that senses temperature of that bar. The temperature vs. time response of bar 52 is compared to the temperature vs. time response of a standard bar to determine the purity of composition or authenticity of the bar (Hammond, III, col. 5, Ins. 25-34).

Hammond, III, does not, however, disclose or suggest a system that identifies media weight based on heat capacity, or based on sensed temperature. In fact, Hammond, III does not even concern identification of media weight in any form of media processing device. Hammond, III relates only to determining purity or authenticity of precious metals, and is not even analogous to identifying a media weight in a media processing device. Accordingly the proposed combination of Hammond, III with Martin et al. must fail.

In the case of *In re Clay*, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992), the Federal Circuit provided the test to determine whether a reference in the prior art is "analogous" or not.

Two criteria have evolved for determining whether prior art is analogous: (1) whether the art is from the same field of endeavor, regardless of the problem addressed, and (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved.

Hammond, III is not from the same field of endeavor and is not reasonably pertinent to the particular problem at hand. First, the field of endeavor of Hammond, III is precious metal purity authentication. Applicants' claims relate to media processing devices, such as laser printers and media sorters, an entirely different field of endeavor than that of Hammond, III. Second, Hammond, III is concerned with providing a method and apparatus to determine whether a bar of precious metal has

a purity of composition that is within a given range of variance from that of a standard bar of known purity of composition (Hammond, III, col. 1, Ins. 12-15), while applicants' invention is concerned with identifying media weight in media processing devices. Thus, Hammond, III is not reasonably pertinent to the particular problem at hand in the present application. Therefore, Hammond, III is nonanalogous art.

Moreover, there is no suggestion, motivation or teaching to combine Hammond, III with Martin et al. As discussed above, Hammond, III discloses a method and apparatus to determine whether a bar of precious metal has a purity of composition that is within a given range of variance from that of a standard bar of known purity of composition. In contrast, Martin et al. discloses image forming devices and method of forming an image using control circuitry to control fusing operations. A person skilled in the art and confronted with problems inherent in Martin et al. would not consult the teachings of Hammond, III, or vice-versa.

The Examiner also has cited various other references, including Karlsson, Nakamura, Weiss, Pompei and JP 01242947A. However, none of those references discloses or suggests identification of media weight in media processing devices based on heat capacity of the media, or based on the sensed temperature of the media, as recited in the independent claims.

For at least the foregoing reasons, the rejections of claims 1-7, 12, 15-17, 21, 23-27, 30 and 31 should be withdrawn.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, the Examiner is asked to please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Walter W. Karnstein
Registration No. 35,565
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Attorney for Applicants

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 5, 2005.



Christie A. Doolittle